

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK**

In re:

COMMUNITY ENVIRONMENTAL CENTER,
INC., *d/b/a* BUILD IT GREEN! NYC,

Debtor.

Chapter 11

Case No. 15–41173 (CEC)

**DECLARATION OF SANFORD P. ROSEN IN OPPOSITION TO
MOTION OF UNITED STATES TRUSTEE TO DISMISS OR CONVERT CASE**

Pursuant to 28 U.S.C. Section 1746, Sanford P. Rosen declares as follows:

1. I am the principal shareholder of Rosen & Associates, P.C. and have knowledge and information about the Chapter 11 case of Community Environmental Center, Inc., *d/b/a* Build It Green! NYC, the above-captioned debtor and debtor in possession (the “**Debtor**”).

2. I submit this Declaration in opposition to the motion of the United States Trustee to dismiss this case or, in the alternative, convert this case to one under Chapter 7 of the Bankruptcy Code [Doc. No. 351] (the “**Motion**”).

3. As set forth in the Motion, on July 6, 2018, this Court approved a *Stipulation and Order Approving Mediated Global Settlement* [Doc. No. 330] (the “**Global Settlement Order**”). The Global Settlement Order provides for, among other things, the distribution of all estate proceeds in accordance with the schedule appended thereto and the dismissal of the case.

4. Under the Global Settlement Order, I was designated as the Debtor’s escrow agent to cause the distributions to be made and the release of any settlement documents to be completed as provided therein. Furthermore, funds are to be received into and distributions are to be made from the Debtor’s general operating account until there are no further funds remaining in

the estate. To the extent of returned, or un-cashed distributions, I am required to re-allocate and re-distribute funds pursuant to Exhibit C of the Global Settlement Order.

5. I caused all of the initial distributions to be made in accordance with the terms of the Global Settlement Order. At this time, there remains in the Debtor's estate approximately \$64,000.00 to be re-distributed, and I am in the process of effectuating such distributions. Once made, I shall settle a proposed order dismissing the case as contemplated by the Global Settlement Order.

6. Upon information and belief, although monthly operating reports are outstanding as alleged in the Motion, all quarterly fees due the United States Trustee have been paid. The monthly operating reports are being completed and will be filed as soon as possible.

7. In light of the Debtor's intention to consummate the transactions contemplated by the Global Settlement Order, I respectfully request that the Court deny the Motion and permit the case to be dismissed as provided in the Global Settlement Order.

I declare under penalty of perjury that the information contained in this Declaration is true and correct to the best of my knowledge.

Dated: New York, New York
August 12, 2020

/s/ Sanford P. Rosen
Sanford P. Rosen